

# Exhibit A

DEAN RHOADS,

Case No. \_\_\_\_\_

Plaintiff,

1

VS.

## COMPLAINT AND PRAECIPE

CNH INDUSTRIAL LLC,

Defendant.

1. That defendant is a manufacturing company with a facility in Grand Island, Hall County, Nebraska.
2. That plaintiff had been employed with the defendant at the Grand Island facility since June 1, 1987.
3. That all facts relevant to this case took place in Grand Island, Nebraska.
4. That this cause of action arises under the Family Medical Leave Act, 29 USC 2601, et al., so jurisdiction is proper in the District Court of Hall County, Nebraska.
5. That defendant employs more than 50 people at the Grand Island facility.
6. That plaintiff was terminated by the defendant on July 31, 2020.
7. That plaintiff had worked more than 1250 hours in the 12 months before his termination.

## Facts

8. Plaintiff incorporates Paragraphs 1-7 into this section.
9. That on or about July 4, 2020, that plaintiff broke his toe outside work
10. That plaintiff communicated this to defendant.
11. That plaintiff sought treatment with Employer's Health Care for the injury and he had visits with them on July 15, 2020 and July 29, 2020.
12. Plaintiff's injury to his toe prevented him from wearing a steel toe boot which was essential for this work as a welder.
13. That parties agreed to leave of absence from until July 15, 2020
14. That on July 23, 2020, plaintiff and the defendant's representative, Julie Mayer, agreed that there was no work available for the plaintiff if he could not wear a steel toe boot
15. That Mayer came to this conclusion after consulting with plaintiff's direct supervisor.
16. That as of July 29, 2020 plaintiff was still not able to wear a steel toe boot because of his injury.
17. That defendant was aware of plaintiff's ongoing restrictions on July 29, July 30 and July 31, 2020.
18. That plaintiff was fired on July 31, 2020 for allegedly violating defendant's attendance policy.

19. That that reason was false because plaintiff had communicated his ongoing work restrictions to Julie Mayer and Julie Mayer was a proper party to convey off-work notes.
20. Plaintiff was terminated for no other reason than his alleged violation of plaintiff attendance policy.
21. That plaintiff suffered lost wages and benefits as a result of defendant terminating the plaintiff.

## **Counts 1 and 2**

22. Plaintiff incorporates Paragraphs 1-21 into these counts.
23. That defendant interfered with plaintiff's ability to take FMLA leave for reasons including but not limited to 1) firing him while he was on FMLA leave and 2) disciplining plaintiff for taking leave that was covered by the FMLA.
24. That defendant retaliated against plaintiff for reasons including but not limited to 1) defendant's awareness that plaintiff was exercising his rights under the FMLA 2) defendant's general hostility to towards employee's taking FMLA leave 3) falsity of the reason for his termination 4) plaintiff's long time service with the employer and 5) close proximity in time between him taking FMLA leave and his termination
25. That defendant intentionally violated plaintiff's rights under the FMLA.

**Prayer for Relief and Request for Jury**

Wherefore, plaintiff requests all available relief from this court and a trial by jury to determine the rights and liabilities of all parties.

DEAN RHOADS, Plaintiff

REHM, BENNETT,  
MOORE & REHM, P.C., L.L.O.  
3701 Union Dr., #200  
Lincoln, NE 68516  
(402) 420-1400  
E-mail: [jonrehm@rehmlaw.com](mailto:jonrehm@rehmlaw.com)

For the firm: /s/ Jon Rehm  
Jon Rehm #23097

**PRAECIPE**

To the Clerk of Said Court:

Please issue summons in the above-entitled action for service by certified mail, with a copy of the Complaint attached thereto for service on the Defendant at:

CNH Industrial LLC  
3445 West Stolley Park Road  
Grand Island, NE 68803

Summons should be mailed and/or sent by electronic mail to Plaintiff's attorney for service by certified mail.

DEAN RHOADS, Plaintiff

REHM, BENNETT,  
MOORE & REHM, P.C., L.L.O.  
3701 Union Dr., #200  
Lincoln, NE 68516  
(402) 420-1400  
E-mail: [jonrehm@rehmlaw.com](mailto:jonrehm@rehmlaw.com)

**For the firm: s/Jon Rehm**

Jon Rehm      #23097

